

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 8941 of 2014 ()

O.R.NO.2/2014 OF NARCOTIC CONTROL BUREAU, SUB ZONE, KOCHI

PETITIONER/ACCUSED:

**FAHAD.K, AGED 25 YEARS,
S/O.LATE MOIDEEN, AYIKKAL HOUSE,
THANA.P.O, KANOOR-670 012.**

BY ADV. SRI.P.P.GENSON

RESPONDENT/COMPLAINANT:

**INTELLIGENCE OFFICER,
NARCOTIC CONTROL BUREAU, SUB ZONE, KOCHI,
THROUGH SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY ADV. SRI.MVS.NAMBOOTHIRY,SC

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. KEMAL PASHA, J.

.....
B.A. No.8941 of 2014
.....

Dated this the 7th day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in O.R. No.2/2014 of Narcotic Control Bureau Sub-Zone, Kochi registered for the offences punishable under Sections 21(C), 23(C), 28 and 29 of the NDPS Act, 1985.

3. The allegation against the petitioner is that, on 13.11.2014 he brought 1.988 Kg. of Heroin from Kannur to the International Airport, Nedumbassery and handed over the same to the 1st accused for exporting it to Kuwait. After handing over the same, he was allegedly waiting outside the International Airport to see that the contraband was safely taken to Kuwait. A1 was arrested and from the information collected from him, the petitioner was nabbed. He has been in custody for the period from 13.11.2014.

4. Heard learned counsel for the petitioner and the learned Standing Counsel for the Narcotic Control Bureau.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The limitations contained under Section 37(1)(b)(ii) of the NDPS Act is squarely applicable to the facts and circumstances of the case as the contraband involved is of commercial quantity. The allegations against the petitioner are very grave and serious. The investigation has a long way to go. It is not at all safe to enlarge the petitioner on bail. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that the petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/01

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PA to Judge